



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q68602

Junji IWASA, et al.

Appln. No.: 10/083,583

Group Art Unit: 3736

Confirmation No.: 8500

Examiner: Not Yet Assigned

Filed: February 27, 2002

For: METHOD FOR MEASURING STIFFNESS OF CULTURED TISSUE, FOR DETERMINING TRANSPLANT COMPATIBILITY FOR QUALITY CONTROL AND FOR PREPARING TRANSPLANT-COMPATIBLE CULTURED TISSUE

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, along with a copy of the corresponding Communication from a Foreign Patent Office.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

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INFORMATION DISCLOSURE STATEMENT


U.S. Appln. No.: 10/083,583

The present Information Disclosure Statement is being filed thirty days or fewer from the communication from a foreign patent office and a Statement Under 37 C.F.R. §1.704(d) is attached.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 4, 2004



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STATEMENT UNDER 37 C.F.R. § 1.704(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and that the communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

Alan J. Kasper
Registration No. 25,426

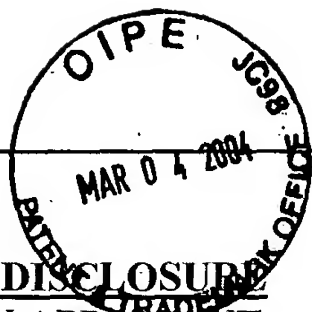
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23373

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MODIFIED PTO/SB/08 A & B (06-03)

Substitute for Form 1449 A & B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Application Number	10/083,583
Confirmation Number	8500
Filing Date	February 27, 2002
First Named Inventor	Mitsuo OCHI
Art Unit	3736
Examiner Name	Not Yet Assigned
Attorney Docket Number	Q68602

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US 5,700,688	A	12/23/1997	Huang David et al.,
		US 6,068,604	A	05/30/2000	Smith Graham et al.,
		US			
		US			
		US			
		US			
		US			

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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		EP	0 764 842	A2	03/26/1997	Axiom Co. Ltd.. and Omata, Sadao	
		WO	98/08073	A1	02/26/1998	Osteobiologics Inc.	

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		Chondrocytes in agarose culture synthesize a mechanically functional extracellular matrix; Journal of Orthopaedic Research vol 10, No. 6, 1992, pages 745-758, XP008025260 ISSN: 0736-0266 by Buschmann Michael D. et al	Abstract
		"New Tactile Sensor Like The Human Hand and Its Applications" Sensors and Actuators A, Elsevier Sequoia S. A. Lausanne, Ch, vol. A35, No. 1, October 1, 1992 (10/01/1992), pages 9-15, XP000312352 ISSN: 0924-4247, page 11; figure 2 by Sadao Omaia et al.,	
		"Vibrotactile palpation instrument for use in minimal invasive surgery" Engineers in Medicine and Biology Society, 1996. Bridging Disciplines for Biomedicine, 18 th Annual International Conference of the IEEE Amsterdam, Netherlands October 31 - November 3, 1996, New York, NY, USA, IEEE, US October 31, 1996 (10/31/1996) pages 179-180, XP010262509 ISBN: 0-7803-3811-1; pages 179 figure 1 by Petter E. et al.,	

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³Enter Office that issued the document by the two-letter code (USPTO Standard Office Code).



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13. Feb. 2004

HOFFMANN · EITLE, MÜNCHEN
PATENTANWÄLTE RECHTSANWÄLTE

Datum/Date

06.02.04

Zeichen/Ref./Réf.

92 077 a/km

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.

02003191.0-1234-

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

Ochi, Mitsuo, et al

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

☒ abstract

☐ title

☐ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract:

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REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	US 5 700 688 A (HUANG DAVID ET AL) 23 December 1997 (1997-12-23)	8,10,11	G01N3/32 G01N3/40 C12M3/00
Y	* column 2, line 39-58 * * column 3, line 15-41 * * column 7, line 19-37 * * column 8, line 3-18; figure 12 * ---	1-7,9	
Y,D	EP 0 764 842 A (OMATA SADA O ; AXIOM CO. LTD (JP)) 26 March 1997 (1997-03-26) * column 3, line 18-23 * * column 4, line 20-48 * * column 12, line 21-27 * * column 13, line 58 - column 14, line 1-7 * * column 19, line 36-43; figure 7 * ---	1-7,9	
A	BUSCHMANN MICHAEL D ET AL: "Chondrocytes in agarose culture synthesize a mechanically functional extracellular matrix" JOURNAL OF ORTHOPAEDIC RESEARCH, vol. 10, no. 6, 1992, pages 745-758, XP008025260 ISSN: 0736-0266 * abstract *	1	TECHNICAL FIELDS SEARCHED (Int.Cl.7) G01N C12M
A	SADA O OMATA ET AL: "NEW TACTILE SENSOR LIKE THE HUMAN HAND AND ITS APPLICATIONS" SENSORS AND ACTUATORS A, ELSEVIER SEQUOIA S.A., LAUSANNE, CH, vol. A35, no. 1, 1 October 1992 (1992-10-01), pages 9-15, XP000312352 ISSN: 0924-4247 * page 11; figure 2 * --- -/--	1	
The present search report has been drawn up for all claims			
Place of search THE HAGUE		Date of completion of the search 28 November 2003	Examiner Cantalapiedra, I
<div>CATEGORY OF CITED DOCUMENTS</div> <div><div>X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document</div><div>T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons ----- & : member of the same patent family, corresponding document</div></div>			

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EPO FORM 1503 03.82 (P04C01)



DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
A	US 6 068 604 A (SMITH GRAHAM ET AL) 30 May 2000 (2000-05-30) * column 2, line 13-54 * * column 3, line 7-16 - line 55-59 * * column 4, line 50-60 * * column 7, line 10-12 * * column 8, line 43-58; figure 2 * ---	1,2	
A	PETTER E ET AL: "Vibrotactile palpation instrument for use in minimal invasive surgery" ENGINEERING IN MEDICINE AND BIOLOGY SOCIETY, 1996. BRIDGING DISCIPLINES FOR BIOMEDICINE., 18TH ANNUAL INTERNATIONAL CONFERENCE OF THE IEEE AMSTERDAM, NETHERLANDS 31 OCT.-3 NOV. 1996, NEW YORK, NY, USA, IEEE, US, 31 October 1996 (1996-10-31), pages 179-180, XP010262509 ISBN: 0-7803-3811-1 * page 179; figure 1 * ---	1	
A	WO 98 08073 A (OSTEOBIOLOGICS INC) 26 February 1998 (1998-02-26) * page 7, line 15-26 - page 8, line 23-28 * * -----	1	
The present search report has been drawn up for all claims			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
Place of search THE HAGUE		Date of completion of the search 28 November 2003	Examiner Cantalapiedra, I
<div>CATEGORY OF CITED DOCUMENTS</div> <div>X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document</div> <div>T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document</div>			

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EPO FORM 1503 03.82 (P04C01)



CLAIMS INCURRING FEES

The present European patent application comprised at the time of filing more than ten claims.

- ☐ Only part of the claims have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims and for those claims for which claims fees have been paid, namely claim(s):
- ☐ No claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims.

LACK OF UNITY OF INVENTION

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

see sheet B

- ☐ All further search fees have been paid within the fixed time limit. The present European search report has been drawn up for all claims.
- ☒ As all searchable claims could be searched without effort justifying an additional fee, the Search Division did not invite payment of any additional fee.
- ☐ Only part of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the inventions in respect of which search fees have been paid, namely claims:
- ☐ None of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims, namely claims:

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 02 00 3191

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

28-11-2003

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
US 5700688	A	23-12-1997	US	5521087 A	28-05-1996
			US	5756350 A	26-05-1998
EP 0764842	A	26-03-1997	JP	3151153 B2	03-04-2001
			JP	9145691 A	06-06-1997
			AU	709813 B2	09-09-1999
			AU	6564996 A	27-03-1997
			EP	0764842 A2	26-03-1997
			US	5766137 A	16-06-1998
US 6068604	A	30-05-2000	AU	3213199 A	01-11-1999
			WO	9953292 A1	21-10-1999
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			AU	4084597 A	06-03-1998
			BR	9711214 A	11-01-2000
			CA	2264869 A1	26-02-1998
			EP	0920614 A1	09-06-1999
			JP	2000517051 T	19-12-2000
			WO	9808073 A1	26-02-1998
			US	5904658 A	18-05-1999